

Atty Dkt. No. DIOP-06301**REMARKS**

Claims 49-99 were pending. Claims 51-53, 60 and 63-99 have been canceled, while claims 49, 50, 54 and 58 have been amended by the above amendment. Claims 100-115 have been added. Therefore, claims 49-50, 54-59, 61-62, and 100-115 are currently pending. The applicant requests further examination and reconsideration in view of the amendments made above and the remarks set forth below.

Election

In response to a telephone call from the examiner on August 22, 2005, regarding a restriction requirement, the applicant hereby elects apparatus claims 49-50, 54-59, 61-62. New claims 100-102 are apparatus claims which are dependent from claim 49, while new claims 103-115 are method claims that incorporate the patentable subject matter of apparatus claims 49-50, 54-59, 61-62 and 100-102.

Amendment

Per discussion with the examiner, the applicant has amended claim 49 to clarify that the fastener is coupled to the fastener anchor through apertures in the product card and the closable flap and to clarify that the fastener second portion and anchor are formed independently of the case. Support for these amendments may be found at least on page 3, lines 18-20, page 5, lines 7-10 and page 7, lines 3-6 of the applicant's specification. It is believed that these features are not suggested or disclosed by the prior art.

Claim 54 is amended to recite that the case is for eyewear.

Claim 58 is amended to depend from claim 57, rather than claim 49, to provide antecedent basis for "the area."

New Claims

New dependent claim 100 recites a display apparatus wherein the closable flap is formed from a flexible film. The limitation recited in claim 100 is similar to a limitation recited in claim 50. New dependent claim 101 recites a display apparatus wherein the product card includes an additional aperture. The additional aperture is configured to allow the product card to be hung

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for display. The limitation recited in claim 101 is similar to the limitation recited in claim 86. New dependent claim 102 recites that an additional attachment device is attached to the product card for further securing of the product card to the case. This limitation is supported by the applicant's specification at least at page 5, lines 12-15 and page 7, lines 8-11. Claims 100-102 are allowable at least because they are dependent from allowable base claim 49.

New claim 103 is a method claim that incorporates the patentable subject matter of apparatus claim 49. New claims 104-115 depend from new claim 103 and recite limitations similar to those of claims 48-50, 54-59, 61-62 and 100-102.

In view of the above, the Applicant respectfully submits that all of the pending claims are now allowable. Allowance at an early date would be greatly appreciated. Should any issues remain, the examiner is encouraged to telephone the undersigned at (408) 293-9000 to discuss the same so that any outstanding issues may be expeditiously resolved.

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Dated: Sept. 27, 2005
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